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1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 **DOCUMENTS**

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

- **Defence Act 1903**—Section 58B—Post indexes – amendment—Defence Determination 2016/2.
- **National Health Act 1953**—National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 5 of 2016 [F2016L00076].
- **Parliamentary Service Act 1999**—Parliamentary Service (Remuneration) Amendment (Clerk of the Senate) Determination 2016.

The following documents were tabled by the Clerk pursuant to order:

- Departmental and agency appointments and vacancies—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney-General’s portfolio.
- Education and Training portfolio.
- Industry, Innovation and Science portfolio.
- Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney-General’s portfolio.
- Department of Education and Training.
- Department of Social Services.
- Industry, Innovation and Science portfolio.
- National Health and Medical Research Council.
- Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16 (Supplementary)—Statements pursuant to the order of the Senate of 25 June 2014—Agriculture and Water Resources portfolio.
- Environment portfolio.
- Industry, Innovation and Science portfolio.

3 **COMMITTEES—LEAVE TO MEET DURING SITTING**

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, as follows:

- Environment and Communications Legislation Committee—from 1 pm.
- Legal and Constitutional Affairs References Committee—from 3.45 pm, for the committee’s inquiry into the regional processing centres in the Republic of Nauru and Papua New Guinea.
4 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION—STATEMENT BY LEAVE
The Minister for Tourism and International Education (Senator Colbeck), by leave, made a statement correcting an explanation he had provided on 3 February 2016 of answers not being provided to questions on notice nos 2630 to 2632 (see entry no. 30, 3 February 2016).

5 LEADER OF THE GLENN LAZARUS TEAM
Senator Lazarus, by leave, informed the Senate of his appointment as Leader of the Glenn Lazarus Team.

6 RECOGNITION OF FOREIGN MARRIAGES BILL 2014
Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.
Debate resumed.
Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.
Debate adjourned till the next day of sitting, Senator Canavan in continuation.

7 NOTICES
Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes. Commonwealth Electoral Amendment (Above the Line Voting) Bill 2016. (general business notice of motion no. 1024)
Senator Back: To move on the next day of sitting—That the Joint Standing Committee on Migration be authorised to hold public meetings during the sittings of the Senate, from 9.45 am, to take evidence for the committee’s inquiry into the Seasonal Worker Programme, as follows:
(a) Wednesday, 24 February 2016; and
(b) Wednesday, 2 March 2016. (general business notice of motion no. 1025)
Senator Conroy: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 3.30 pm on Thursday, 25 February 2016, the following documents in respect of the ’communications campaign’ funded from within the Infrastructure Investment program, as referred to in the 2015-16 Mid-Year Economic and Fiscal Outlook released in December 2015:
(a) all correspondence, including emails, between officials of the Department of Infrastructure and Regional Development and any of the following ministers, including any staff in their offices:
(i) the Prime Minister, including the former Prime Minister,
(ii) the Deputy Prime Minister and Minister for Infrastructure and Regional Development,
(iii) the Treasurer, including the former Treasurer,
(iv) the Minister for Territories, Local Government and Major Projects, including the former Assistant Minister for Infrastructure and Regional Development,
(v) the Assistant Minister to the Deputy Prime Minister,
(vi) the Acting Minister for Cities and the Built Environment, including the former Minister for Cities and the Built Environment, and
(vii) the Special Minister of State, including the former Special Minister of State;

(b) all correspondence, including emails, between officials of the Department of Infrastructure and Regional Development and external parties, including but not limited to Mitchell & Partners Australia Pty Ltd and the Wallis Consulting Group; and

(c) all notes or other documents held by officials of the Department of Infrastructure and Regional Development which refer to the ‘communications campaign’. (general business notice of motion no. 1026)

Senator Ludlam: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Australian Government has initiated a voluntary site selection process for a national radioactive waste facility,

(ii) consecutive ministers have confirmed that such a facility would not proceed against the wishes of host communities,

(iii) six sites have been selected for further assessment for shortlisting, including Hill End in New South Wales, Oman Ama in Queensland, Hale in the Northern Territory, Cortlinye, Pinkawillinie and Barndioota in South Australia, and

(iv) strong local opposition clearly exists at all six sites currently under consideration; and

(b) calls on the Government to:

(i) acknowledge the opposition and lack of community support at all six sites,

(ii) respect previous commitments on non-imposition and the importance of community consent, and remove all six sites from further consideration,

(iii) initiate a genuinely independent inquiry to investigate long-term stewardship options for spent fuel, reprocessing waste, and other categories of radioactive waste, including drawing on international examples and experience,

(iv) investigate options for active waste minimisation, including increased use of non-reactor based methods for radioisotope production, and

(v) clearly reaffirm policy and legislative prohibitions on the importation and disposal of international radioactive waste. (general business notice of motion no. 1027)

Senator Siewert: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Aboriginal children make up less than 5 per cent of the general population, but 35 per cent of children in out-of-home care nationally, and more than 50 per cent in Western Australia, and

(ii) children in out-of-home care experience poor outcomes on a range of indicators; and

(b) calls on the Government to address the unacceptably high rates of Aboriginal children in out-of-home care. (general business notice of motion no. 1028)
Notice of motion withdrawn: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 3 February 2016, withdrew business of the Senate notice of motion no. 5 standing in his name for 12 sitting days after today for the disallowance of the Removal of Prisoners (Territories) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 165 and made under the Removal of Prisoners (Territories) Act 1923 [F2015L01524].

8 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2016

The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 1 OF 2016

1. The committee met in private session on Wednesday, 3 February 2016 at 7.17 pm.

2. The committee resolved to recommend—That—


(b) the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2] be referred immediately to the Education and Employment Legislation Committee but was unable to reach agreement on a reporting date;

(c) the provisions of the Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 10 March 2016;

(d) the provisions of the Tax Laws Amendment (New Tax System for Managed Investment Trusts) Bill 2015, the Income Tax Rates Amendment (Managed Investment Trusts) Bill 2015, the Medicare Levy Amendment (Attribution Managed Investment Trusts) Bill 2015 and the Income Tax (Attribution Managed Investment Trusts—Offsets) Bill 2015 be referred immediately to the Economics Legislation Committee for inquiry and report by 10 March 2016; and

(e) the provisions of the Water Amendment (Review Implementation and Other Measures) Bill 2015 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 10 March 2016.

3. The committee resolved to recommend—That the following bills not be referred to committees:

Broadcasting Legislation Amendment (Digital Radio) Bill 2015
Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015
Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
Competition and Consumer Amendment (Payment Surcharges) Bill 2015
Insolvency Law Reform Bill 2015
Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015
Tax and Superannuation Laws Amendment (2015 Measures No. 6) Bill 2015
Tax Laws Amendment (Implementation of the Common Reporting Standard) Bill 2015
Telecommunications (Numbering Charges) Amendment Bill 2015.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   Corporations Amendment (Publish What You Pay) Bill 2014
   Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016

David Bushby
Chair
4 February 2016.

Senator Bushby moved—that the report be adopted.

Senator Moore moved the following amendment:


Debate ensued.

Question—that the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Brown   Ketter   McKim   Simms
Bullock  Lambie  McLucas  Singh
Cameron  Lazarus Moore  Sterle
Conroy   Lines    O’Neill  Urquhart
Dastyari  Ludlam  Peris    Wang
Di Natale Ludwig  Rhiannon  Waters
Gallacher Madigan Rice    Whish-Wilson
Gallagher McAllister Siewert  Wong
Hanson-Young McEwen (Teller)
Senators—

NOES, 33

Back
Bernardi
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann

Day
Edwards
Fawcett
Fieravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm

Lindgren
Macdonald
McGrath
McGrath
Muir
Nash
O’Sullivan
Reynolds

Ruston
Ryan
Scullion
Seselja
Seselja
Smith
Williams

Question agreed to.

Motion, as amended, debated.

Question—That the motion, as amended, be agreed to—put.

The Senate divided—

AYES, 38

Bilyk
Brown
Bullock
Cameron
Conroy
Dastyari
Di Natale
Gallacher
Gallagher
Hanson-Young

Ketter
Lambie
Lazarus
Leyonhjelm
Lines
Ludlam
Ludwig
Madigan
McAllister
McEwen (Teller)

McKim
McLucas
Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice

Siwert
Simms
Singh
Sterle
Urquhart
Wang
Waters
Whish-Wilson
Xenophon

NOES, 30

Back
Bernardi
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann

Day
Edwards
Fawcett
Fieravanti-Wells
Fifield
Heffernan
Johnston

Lindgren
Macdonald
McGrath
McGrath
Muir
Nash
O’Sullivan

Ruston
Ryan
Scullion
Seselja
Seselja
Smith
Smith

Question agreed to.

9 ORDER OF BUSINESS—REARRANGEMENT

The Assistant Cabinet Secretary (Senator Ryan) moved—That—

(a) the following government business orders of the day be considered from 12.45 pm today:

No. 2 Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015

No. 3 Amending Acts 1990 to 1999 Repeal Bill 2015

Statute Law Revision Bill (No. 3) 2015; and

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question put and passed.
Senator Ryan moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 1019 standing in the name of Senator Moore relating to the goods and services tax; and
(b) orders of the day relating to documents.

Question put and passed.

10 POSTPONEMENT
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, postponed till 22 February 2016.

11 IMMIGRATION—ASYLUM SEEKERS—M68 HIGH COURT CHALLENGE
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1017—That the Senate calls on the Turnbull Government to grant amnesty to the 267 men, women and children in Australia as part of the M68 High Court challenge, and allow them to stay.

Statement by leave: The Assistant Cabinet Secretary (Senator Ryan), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 10
Senator—
Hanson-Young
Ludlam
Madigan
McKim
Rhiannon
Rice
Siewert (Teller)
Simms
Whish-Wilson

NOES, 40
Senator—
Back
Bullock
Bushby (Teller)
Cameron
Canavan
Colbeck
Collins
Conroy
Dastyari
Day
Edwards
Fawcett
Fiebravanti-Wells
Gallacher
Ketter
Lambie
Lazarus
Leyonhjelm
Lindgren
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Ludwig
Macdonald
Marshall
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McGrath
McKenzie
McLucas
Moore
Muir
O’Neill
O’Sullivan
Peris
Polley
Reynolds
Ryan
Seselja
Smith
Wang

Question negatived.
12 **SCHOOL FUNDING INVESTMENT—SELECT COMMITTEE—APPOINTMENT**

Senator Dastyari, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1021—

(1) That a select committee, to be known as the Select Committee on School Funding Investment, be established to inquire into and report by 30 August 2016 on the effect of reduced Commonwealth funding for state and territory provided schools, with particular reference to:

(a) the impact of the cuts announced in the 2014-15 Budget and confirmed in the 2015-16 Mid-year Economic and Fiscal Outlook;
(b) the impact on schools and students in regional, rural and remote areas;
(c) the impact on students acquiring the job skills of the future, including science, technology, engineering, arts and maths; and
(d) any related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and 1 nominated by other parties and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator, and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(4) That 3 members of the committee constitute a quorum of the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition, and a deputy chair.

(7) That the deputy chair shall act chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
(12) That the committee be empowered to print from day to day such papers and
evidence as may be ordered by it, and a daily Hansard be published of such
proceedings as take place in public.

Statement by leave: The Assistant Cabinet Secretary (Senator Ryan), by leave, made a
statement relating to the motion.

Question put.
The Senate divided—

AYES, 36

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NOES, 28

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Question agreed to.

After 12.45 pm—

13 Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015

Order of the day read for the adjourned debate on the motion of the Minister for
Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be
considered in committee.

The Assistant Minister to the Prime Minister (Senator McGrath) moved—That this bill
be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.
14 **AMENDING ACTS 1990 TO 1999 REPEAL BILL 2015**
**STATUTE LAW REVISION BILL (NO. 3) 2015**
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Assistant Minister to the Prime Minister (Senator McGrath) the bills were read a third time.

15 **SOCIAL SECURITY LEGISLATION AMENDMENT (FURTHER STRENGTHENING JOB SEEKER COMPLIANCE) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—That this bill be now read a second time.
Debate resumed.
*At 2 pm*: Debate was interrupted while Senator Back was speaking.

16 **QUESTIONS**
Questions without notice were answered.
*Leave refused*: Senator Collins sought leave to table a document.
An objection was raised and leave was not granted.
Further questions without notice were answered.

17 **QUESTIONS ON NOTICE—ANSWERS AND EXPLANATIONS**
Senator Ludlam, pursuant to standing order 74, asked the Attorney-General (Senator Brandis) for an explanation of answers not being provided to questions on notice nos 2626, 2794 and 2795 (notice given 20 November and 10 December 2015) relating to assistance provided by the Government to police in Sri Lanka and Indonesia.
Senator Brandis indicated that an explanation would be provided.
Senator Ludlam moved—That the Senate take note of the minister’s failure to provide either answers or an explanation.
Debate ensued.
Question put and passed.

Senator Cameron asked the Minister representing the Minister for Human Services (Senator Payne) for an explanation of an answer being provided today, but not within 30 days, to question on notice no. 2610 (notice given 12 November 2015) relating to unauthorised access to confidential Medicare information.
*Ruling of Deputy President*: The Deputy President (Senator Marshall) ruled that once a question is answered the procedure outlined in standing order 74 no longer operates in relation to that question.
Senator O’Neill asked the Minister for Education and Training (Senator Birmingham) for an explanation of an answer not being provided to question on notice no. 2646 (notice given 30 November 2015) relating to trade training centres. Senator Birmingham indicated that an answer had been provided today.

18 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Singh moved—That the Senate take note of the answers given by the Cabinet Secretary (Senator Sinodinos) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Singh and Ketter today relating to the Commonwealth Scientific and Industrial Research Organisation and to the goods and services tax.
Debate ensued.
Question put and passed.
Senator McKim moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) and the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Waters and McKim today relating to the Commonwealth Scientific and Industrial Research Organisation and to fires in the Tasmanian Wilderness World Heritage Area.
Question put and passed.

19 INDUSTRIAL RELATIONS—FAIR WORK BUILDING AND CONSTRUCTION
Senator Cameron, by leave, made a statement clarifying comments he had made during the adjournment debate on 2 February 2016 concerning Fair Work Building and Construction.

20 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
Senator Fawcett, at the request of the chairs of the respective committees, tabled the following documents:

- **Budget estimates 2015-16 (Supplementary)—**
  - Community Affairs Legislation Committee—Additional information received between 11 December 2015 and—
    - 13 January 2016—Health portfolio.
    - 22 January 2016—Social Services portfolio.
  - Economics Legislation Committee—Additional information received between—
    - 3 December 2015 and 3 February 2016—Treasury portfolio.
  - Finance and Public Administration Legislation Committee—Additional information received between 2 December 2015 and 2 February 2016—
    - Finance portfolio.
    - Parliamentary departments.
    - Prime Minister and Cabinet portfolio (including Indigenous matters across portfolios).
  - Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 12 November 2015 and 4 February 2016—
    - Defence portfolio.
    - Foreign Affairs and Trade portfolio.
Senator Fawcett, at the request of the Chair of the Standing Committee on Publications (Senator Reynolds), tabled the following report:

PUBLICATIONS COMMITTEE

21ST REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 3 December 2015, recommends that the following be printed:

Department of the Senate—Work of Committees—Year statistics: 1 January to 31 December 2015; and half-year statistics: 1 July to 31 December 2015.
Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of case studies—
  No. 13—The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton, dated November 2015.
  No. 15—Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches, dated November 2015.
  No. 20—The response of The Hutchins School and the Anglican Diocese of Tasmania, dated November 2015.
Productivity Commission—Reports—
  No. 75—Business set-up, transfer and closure, dated 30 September 2015.
  No. 76—Workplace relations framework (2 volumes), dated 30 November 2015.
Trade Union Governance and Corruption—Royal Commission—Final report of Royal Commissioner the Hon. John Dyson Heydon AC QC (5 volumes), dated December 2015.
Wet Tropics Management Authority—
Senator Reynolds
Chair
4 February 2016.
Senator Fawcett moved—That the report be adopted.
Question put and passed.

Senator McEwen, at the request of the Chair of the Economics References Committee (Senator Ketter), tabled the following report:
Report ordered to be printed on the motion of Senator McEwen.
Extension of time to report: Senator McEwen, by leave and at the request of the Chair of the Economics References Committee (Senator Ketter), moved—That the Senate adopt the recommendation contained in the interim report to extend the time for the presentation of the report of the committee to 8 April 2016.
Question put and passed.
Senator McEwen moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) tabled the following report and documents:
Foreign Affairs, Defence and Trade References Committee—Inquiry into firefighting foam contamination: Part A – RAAF Base Williamtown—Report, dated February 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.
Report ordered to be printed on the motion of Senator Gallacher.
Senator Gallacher moved—That the Senate take note of the report.
Debate ensued.
Question put and passed.

The Minister for Communications (Senator Fifield) tabled the following document:

The Minister for Communications (Senator Fifield) tabled the following document:
The Minister for Communications (Senator Fifield) tabled the following document:
Foreign Affairs, Defence and Trade References Committee—Report—Australia’s future activities and responsibilities in the Southern Ocean and Antarctic waters—Government response.

Senator Whish-Wilson moved—That the Senate take note of the document.
Debate adjourned till the next day of sitting, Senator Whish-Wilson in continuation.

21 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE—2015-16—DOCUMENTS
The Minister for Communications (Senator Fifield) tabled the following documents:
Particulars of proposed additional expenditure in respect of the year ending on 30 June 2016 [Appropriation Bill (No. 3) 2015-2016].
Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2016 [Appropriation Bill (No. 4) 2015-2016].

Senator Fifield, by leave, moved—That the documents, together with the final budget outcome 2014-15 (see entry no. 2, 12 October 2015), be referred to committees for examination and report.
Question put and passed.

22 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2015-16—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS
The Minister for Communications (Senator Fifield) tabled the following documents:
Estimates of proposed additional expenditure for 2015-16—Portfolio additional estimates statements—Portfolios and executive departments—
Agriculture and Water Resources portfolio.
Attorney-General’s portfolio.
Communications and the Arts portfolio.
Defence portfolio.
Department of Human Services.
Department of Veterans’ Affairs.
Education and Training portfolio.
Employment portfolio.
Environment portfolio.
Finance portfolio.
Foreign Affairs and Trade portfolio.
Health portfolio.
Immigration and Border Protection portfolio.
Industry, Innovation and Science portfolio.
Infrastructure and Regional Development portfolio.
Prime Minister and Cabinet portfolio.
Social Services portfolio.
Treasury portfolio.
23 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Simms, also on behalf of Senator Xenophon, amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice, moved—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 12 May 2016:

The potential environmental, social and economic impacts of BP’s planned exploratory oil drilling project, and any future oil or gas production in the Great Australian Bight, with particular reference to:

(a) the effect of a potential drilling accident on marine and coastal ecosystems, including:
   (i) impacts on existing marine reserves within the Bight,
   (ii) impacts on whale and other cetacean populations, and
   (iii) impacts on the marine environment,
(b) social and economic impacts, including effects on tourism, commercial fishing activities and other regional industries;
(c) current research and scientific knowledge;
(d) the capacity, or lack thereof, of government or private interests to mitigate the effect of an oil spill; and
(e) any other related matters.

Question put.
A division was called for.
Pursuant to standing order 57(3), consideration of the matter was adjourned.
The Assistant Cabinet Secretary (Senator Ryan) moved—That the vote be taken at the commencement of business on the next day of sitting.
Question put and passed.

24 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Economics References Committee for inquiry and report by 12 May 2016:

The causes and consequences of the collapse of listed retailers in Australia, with particular reference to:

(a) the conduct of private equity firms prior to, during and after corporate takeovers;
(b) the role of the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission in overseeing corporate takeovers;
(c) the effect of the appointment of external administrators on secured and unsecured creditors, including employees and consumers of retail businesses;
(d) the effect of external administration on gift card holders and those who have made deposits on goods not delivered;
(e) the desirability of the following proposals in the event that gift card holders are unable to redeem their gift cards following the appointment of external administrators:
   (i) placing an obligation on external administrators to honour gift cards,
(ii) a requirement that funds used to purchase gift cards be kept in a separate trust account by businesses, and

(iii) directors to be personally liable for the value of gift cards purchased; and

(f) any related matters.

Question put and passed.


Pursuant to order, Senator Fawcett, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.

26 **Community Affairs Legislation Committee—Report—Social Services Legislation Amendment (Budget Repair) Bill 2015**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.

*General business was called on.*

27 **Taxation—Goods and Services Tax**

Senator Polley, at the request of Senator Moore and pursuant to notice, moved general business notice of motion no. 1019—That the Senate opposes the plan by the Turnbull Government to increase the goods and services tax rate to 15 per cent and broaden its base to include fresh food, education and health.

Debate ensued.

*At 6 pm: Debate was interrupted while Senator Macdonald was speaking.*

28 **Transport—Western Australia—Perth Freight Link—Documents**

The Minister for Tourism and International Education (Senator Colbeck) tabled the following documents:

Transport—Western Australia—Perth Freight Link—Answers to questions on notice nos 2630 to 2632.

29 **Documents—Orders of the Day—Consideration**

The following orders of the day relating to documents were considered:


President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 1 December 2015. Motion of Senator Smith to take note of document agreed to.

Community Affairs References Committee—Grandparents who take primary responsibility for raising their grandchildren—Letter to the President of the Senate from the Minister for Social Services (Mr Porter) responding to the resolution of the Senate of 24 November 2015. Motion of Senator Brown to take note of document agreed to.

General business concluded.

30 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston), by leave, moved—that senators be discharged from and appointed to committees as follows:

**Australian Commission for Law Enforcement Integrity—Joint Statutory Committee**—

Discharged—Senator Johnston  
Appointed—Senator O’Sullivan

**Community Affairs Legislation Committee**—

Discharged—Senators Lindgren and Smith  
Appointed—

  Senators Johnston and Heffernan  
  Participating members: Senators Lindgren and Smith

**Community Affairs References Committee**—

Discharged—Senator Lindgren  
Appointed—

  Senator Heffernan  
  Participating member: Senator Lindgren

**Education and Employment Legislation Committee**—

Discharged—Senator Johnston  
Appointed—

  Senator Lindgren  
  Substitute member: Senator Rice to replace Senator Simms for the committee’s inquiry into the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and related bill  
  Participating members: Senators Johnston and Simms

**Electoral Matters—Joint Standing Committee**—

Discharged—Senator Canavan  
Appointed—Senator O’Sullivan

**Environment and Communications Legislation Committee**—

Discharged—Senator Ronaldson  
Appointed—

  Senator Abetz
Participating member: Senator Ronaldson

**Foreign Affairs, Defence and Trade Legislation Committee**—
Discharged—Senator Ronaldson
Appointed—
  Senator Abetz
  Participating member: Senator Ronaldson

**Law Enforcement—Joint Statutory Committee**—
Discharged—Senator Johnston
Appointed—Senator O’Sullivan

**Legal and Constitutional Affairs Legislation Committee**—
Discharged—Senator Lindgren
Appointed—
  Senator O’Sullivan
  Participating member: Senator Lindgren

**National Broadband Network—Select Committee**—
Discharged—Senator Smith
Appointed—
  Senator Lindgren
  Participating members: Senators Johnston and Smith

**Privileges—Standing Committee**—
Discharged—Senator Ronaldson
Appointed—Senator Abetz

**Public Works—Joint Statutory Committee**—
Discharged—Senator Canavan
Appointed—Senator Williams

**Rural and Regional Affairs and Transport Legislation Committee**—
   Appointed—
   Substitute member: Senator Simms to replace Senator Siewert for the committee’s inquiry into the provisions of the Water Amendment (Review Implementation and Other Measures) Bill 2015
  Participating member: Senator Siewert

**School Funding Investment—Select Committee**—
Appointed—
  Senators Dastyari, Lazarus, McKenzie, McKim, O’Neill and Reynolds

Question put and passed.
31 **Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2]**

**Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 526, dated 4 February 2016—A Bill for an Act to re-establish the Australian Building and Construction Commissioner, and for related purposes.


The Assistant Minister for Agriculture and Water Resources (Senator Ruston) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ruston moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Education and Employment Legislation Committee to report on the bills, 15 March 2016.

32 **Competition and Consumer Amendment (Payment Surcharges) Bill 2015**

**Tax and Superannuation Laws Amendment (2015 Measures No. 6) Bill 2015**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 528, dated 4 February 2016—A Bill for an Act to amend the Competition and Consumer Act 2010, and for related purposes.

Message no. 529, dated 4 February 2016—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ruston moved—That these bills be now read a second time.

On the motion of Senator Ruston the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Ruston moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.
33 **FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT (FORUM ON FOOD REGULATION AND OTHER MEASURES) BILL 2015**

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 525, dated 4 February 2016—Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015.

34 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

- Community Affairs References Committee—Report—Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services—Government response. Motion of Senator Siewert to take note of document debated. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.
- Community Affairs References Committee—Report—Grandparents who take primary responsibility for raising their grandchildren—Government response. Motion of Senator Smith to take note of document debated. Debate adjourned till the next day of sitting, Senator Moore in continuation.
- Education and Employment References Committee—Access to real learning: the impact of policy, funding and culture on students with disability—Report. Motion of Senator McKenzie to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.
- Economics References Committee—‘I just want to be paid’: Insolvency in the Australian construction industry—Report. Motion of Senator Cameron to take note of report debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
- Economics References Committee—Australia’s innovation system—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.
- Legal and Constitutional Affairs References Committee—Impact of the 2014 and 2015 Commonwealth Budget decisions on the arts—Report. Motion of the chair of the committee (Senator Lazarus) to take note of report debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
Foreign Affairs, Defence and Trade References Committee—Australia’s relationship with Mexico—Report. Motion of Senator Back to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s automotive industry: Driving jobs and investment—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Getting our money’s worth: the operation, regulation and funding of private vocational education and training (VET) providers in Australia—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015 [Provisions]—Dissenting report from Opposition senators. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O’Neill) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallagher to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report debated. Debate adjourned till the next day of sitting, Senator Gallacher in continuation.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

35 AUDITOR GENERAL—AUDIT REPORT NO. 14 OF 2015-16—DOCUMENT—CONSIDERATION

The following document tabled on 2 February 2016 (see entry no. 2, 2 February 2016) was considered:


36 ADJOURNMENT

The Acting Deputy President (Senator Seselja) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.43 pm till Monday, 22 February 2016 at 10 am.

37 ATTENDANCE

Present, all senators except Senators Abetz*, Carr* and Ronaldson* (*on leave).

ROSEMARY LAING
Clerk of the Senate

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